

Testimony before the Joint Committee on Appropriations regarding House Bill 7027, An Act Concerning the State Budget for the Biennium Ending June 30, 2019

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February 24, 2017**

Good Afternoon. My name is Colleen Murphy and I am the Executive Director and General Counsel of the Freedom of Information Commission (“FOIC” or “Commission”). Thank you for the opportunity to comment on the Governor’s Proposed Budget for the 2018 and 2019 Biennium, as contained in HB 7027, An Act Concerning the State Budget for the Biennium ending June 30, 2019.

By way of background, the FOIC is a small independent body with only one program – to administer and enforce the provisions of Connecticut’s Freedom of Information Act. But, its mission is large – to ensure that citizens of Connecticut have the most transparent and accountable government to which they are entitled and permitted by law. The FOIC is an entity that has a reputation for excellence throughout the world. It now has a nine member Commission that meets to hear individual access disputes and then twice a month to formally rule on those disputes. It is responsible for the adjudication of approximately 900 formal citizen complaints a year. The Commission also makes mediation a focal point of its work and resolves on average approximately 65% of its caseload through mediation and complaint review. Further, its attorneys represent the Commission at all levels of court, on appeals of Commission decisions (approximately 20 court appeals per year).

Education is a significant component of the FOIC’s mission and to that end, FOIC staff conduct over one hundred speaking engagements each year. These engagements are held to educate the public and public officials alike. The FOIC also has two educational outreach programs – one for Spanish speaking individuals and one for middle school and high school aged youths. The FOIC staff handles thousands of telephone and in-person inquiries each year. Staff is also responsible for maintenance and production of a highly fluid web site, which provides visitors to it with the most up-to-date information on hearings, meetings, Commission and court decisions, upcoming speaking engagements and frequently asked questions.

The Commission has undergone numerous cutbacks in recent years, including a reduction in staff from its highest of 23 in 2011 (when the FOIC was consolidated into the Office of Governmental Accountability) to its lowest today of 13 filled positions. It has seen its budget decrease from a high of about 2.4 million to the low it is today of under 1.5 million. All of this has occurred during a period when the Commission’s caseload has grown considerably.

The cumulative effect of these budgetary cuts over the past several years has left the FOIC struggling to fulfill its statutory duties. In order to absorb the budgetary cuts adopted just last year, the Commission, among other measures, had to lay off two attorneys, leaving the Commission with seven attorneys, in addition to myself. And while the FOIC believes that it must continue to be part of the solution to the fiscal burdens that face our state, it cannot endure any additional cuts, without jeopardizing its ability to carry out its multifaceted mission on behalf of Connecticut’s citizens.

The FOIC's review of the Governor's proposed budget for the next biennium reveals that further cuts are indeed proposed for the FOIC. Detailed below is a summary of the budget proposal, as it pertains to the FOIC.

1. The FOIC's budget request was for \$1,538,618 in FY18 and \$1,514,818 for FY19. It supplied a detailed explanation along with its submission. In addition to its budget submission, the Office of Policy and Management agreed to submit an additional budget option of \$76,502, in order to transfer funding and a Human Resources Specialist position to the FOIC pursuant to a Memorandum of Understanding ("MOU") entered into by the Department of Administrative Services ("DAS"), FOIC, the Office of State Ethics ("OSE") and the State Elections Enforcement Commission ("SEEC").¹
2. The Governor's budget proposal does not flow from the FOIC's budget request, as prescribed in Conn. Gen. Stat. §1-205a; instead the Governor's proposal starts with a baseline budget that mirrors its FY17 final allotment (\$1,481,416) for both fiscal years, an amount which led to a reduction of Commission staff (as stated previously, two attorneys were laid off in order to absorb the shortfall) and seriously shrank the FOIC's resources to record low levels.
3. While the Governor's proposal does add the transfer of the Human Resources Specialist position to the baseline budget (\$1,481,416 plus \$76,502), a reduction of \$44,442 (or approximately 3% of the FOIC's total budget) is likewise imposed. This reduction nearly cancels out the agreed-upon funding for the HR Specialist position and leaves the Commission with a proposed allotment of \$1,513,476 for FYs 18 and 19.

The FOIC respectfully requests that this Committee review and give consideration to the FOIC's budget submission and supporting documentation; that it transfer the funds for the HR Specialist position to the FOIC's budget; and that it reject the additional budget reductions (\$44,442 in each fiscal year) proposed in HB 7027.

The FOIC looks forward to discussing this matter in greater detail with the subcommittee in the very near future. I am happy to answer any questions you may have.

¹ In 2011, the FOIC was consolidated into the Office of Governmental Accountability ("OGA"). The FOIC's staff was reduced in this transition by five positions, four of which were transferred to the Office of the Executive Administrator of the OGA to provide administrative, fiscal and human resources support. In 2016, the FOIC was deconsolidated and again became a standalone agency; however, no positions were restored to the FOIC for the purpose of providing those functions going forward. Thereafter, after a series of discussions, the FOIC entered into a MOU with DAS, wherein DAS agreed to support a permanent transfer of a single Human Resource Specialist position to the FOIC, along with funding (\$76,502) for the FY 18/19 budget. Under a separate MOU, the FOIC, OSE and the SEEC now share personnel (including the HR position) who provide those functions for all three watchdogs. If the HR Specialist position is not fully funded, this practical and cost-effective arrangement will fall apart.